

## Message Text

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FM AMEMBASSY COPENHAGEN

TO SECSTATE WASHDC PRIORITY 704

INFO AMEMBASSY ANKARA

AMEMBASSY MADRID

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TAGS: CASC DA

SUBJECT: BILATERAL AGREEMENT FOR REPATRIATION OF FOREIGN  
NATIONAL PRISONERS TO COMPLETE SENTENCING IN  
THEIR OWN COUNTRIES

REF: A) STATE 063621; B) ANKARA 2380; C) MADRID 1961

1. THE DANES HAVE MOVED VERY SLOWLY IN RESPONDING TO OUR URGENT REQUEST MADE UPON RECEIPT REF A. AFTER A NUMBER OF FOLLOW-UPS, THE FOLLOWING INFORMATION WAS OBTAINED BY THE POLCOUNS ON APRIL 7 FROM P. PRAG OF MFA'S LEGAL OFFICE.

2. THE BILATERAL AGREEMENT BETWEEN SPAIN AND DENMARK PROVIDING FOR SUCH REPATRIATION WAS SIGNED SEPTEMBER 3, 1972 AND CAME INTO FORCE APRIL 20, 1973. UNDER THE AGREEMENT THE INITIATIVE RESTS WITH THE AUTHORITIES OF THE COUNTRY HOLDING THE PRISONER TO TAKE STEPS FOR REPATRIATION. TO PRAG'S KNOWLEDGE THERE ARE NO SPANIARDS IN DANISH PRISONS AND CONSEQUENTLY THE DANES HAVE NOT HAD TO CONSIDER THE QUESTION IN THAT CONTEXT.

3. ON THE OTHER HAND, THE NUMBER OF DANES IN SPANISH JAILS HAS RISEN "SHARPLY" OVER THE LAST YEAR AND NOW HAS REACHED A KNOWN TOTAL OF NINE. PRAG SAID THAT ALL OF THEM WERE ARRESTED ON NARCOTICS CHARGES. DENMARK HAS ASKED SPAIN TO REQUEST THE DANES TO TAKE BACK AND IMPRISON IN DENMARK FOUR OF THE NINE WHO ARE KNOWN TO HAVE BEEN SENTENCED BY SPANISH AUTHORI-

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TIES. THE DANES BELIEVE THAT THE SPANIARDS ARE "ABOUT READY"

TO MAKE THIS REQUEST IN THREE OF THE CASES, WHICH WILL BE THE FIRST TIME THE TREATY HAS BEEN INVOKED. PRAG SAID HE WAS "QUITE SURE" THAT SPAIN HAD NO SIMILAR AGREEMENTS WITH OTHER COUNTRIES.

4. PRAG SAID THE DANES ARE ANXIOUS TO RETRIEVE THEIR NATIONALS FROM COUNTRIES WHERE PRISON CONDITIONS ARE BELOW DANISH STANDARDS. HE ALSO SAID THE DANES WERE AWARE OF THE POSSIBLE MISGIVINGS ON THE PART OF JUDICIAL AND POLICE AUTHORITIES OF THE COUNTRIES WHERE THE CRIMES WERE COMMITTED THAT DENMARK MIGHT SUBSTANTIALLY REDUCE THE TIME OF ACTUAL IMPRISONMENT ONCE ITS NATIONALS WERE REPATRIATED. HE RECALLED THAT SUCH AN EVENT OCCURRED IN THE CASE OF TURKEY (REF B). GENERALLY, HOWEVER, HE SAID THAT UNDER DANISH LAW A PRISONER IS ENTITLED TO PAROLE AFTER HAVING SERVED TWO-THIRDS OF THE PERIOD TO WHICH HE WAS SENTENCED.

5. PRAG CONCLUDED BY NOTING THAT THE BILATERAL AGREEMENT WITH SPAIN HAD BEEN MODELED CLOSELY ON AN AGREEMENT DRAFTED UNDER THE AUSPICES OF THE COUNCIL OF EUROPE ENTITLED "EUROPEAN CONVENTION ON THE INTERNATIONAL VALIDITY OF CRIMINAL JUDGMENTS". THIS CONVENTION WAS SIGNED MAY 28, 1970; WENT INTO FORCE JULY 26, 1974; HAS BEEN RATIFIED BY CYPRUS, DENMARK, NORWAY AND SWEDEN, AND SIGNED BUT NOT YET RATIFIED BY BELGIUM, ITALY, LUXEMBOURG, THE NETHERLANDS, TURKEY, THE FEDERAL REPUBLIC OF GERMANY, AND AUSTRIA.  
DUNNIGAN

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